



HYDRAULIC PROJECT APPROVAL
RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Habitat Program
600 Capitol Way North, MS 3155
Olympia, Washington 98501-1091

RECEIVED

DATE OF ISSUE: March 10, 2004

MAR 10 2004

LOG NUMBER: GH-D9469-01

ENVIRONMENTAL AFFAIRS

At the request of Gregor Myhr dated January 28, 2004 per JARPA, assigned WDFW Log No. JP-D9469-00, this Hydraulic Project Approval (HPA) changes and replaces all previous HPAs for this project.

| <u>PERMITTEE</u> | <u>AUTHORIZED AGENT OR CONTRACTOR</u> |
|--|---------------------------------------|
| Washington Department of Transportation (Environmental Services) ATTENTION: Gregor Myhr 310 Maple Park Avenue SE - PO Box 47331 Olympia, WA 98504-7300 (360) 705-7487 | Not Applicable |

PROJECT DESCRIPTION: Marine sediment test boring. {Scientific instruments, Pending, Temporary, Moveable, Buried below bed, Natural, Earth, Sand/Gravel}

PROJECT LOCATION: All Washington State Department of Transportation (WSDOT) ferry terminals and bridge locations over marine waters (enclosed list).

| # | <u>WRIA</u> | <u>WATER BODY</u> | <u>TRIBUTARY TO</u> | <u>1/4 SEC.</u> | <u>SEC.</u> | <u>TOWNSHIP</u> | <u>RANGE</u> | <u>COUNTY</u> |
|---|-------------|-------------------|---------------------|-----------------|-------------|-----------------|--------------|---------------|
| 1 | Various | All Marine Waters | Various | N/A | N/A | N/A | N/A | Various |

NOTE: This Hydraulic Project Approval (HPA) pertains only to the provisions of the Washington State Fish and Wildlife Codes. It is the permittee's responsibility to apply for and obtain any additional authorization from other public agencies (local, state, and/or federal) that may be necessary for this project. Compliance with this HPA does not ensure compliance with the Federal Endangered Species Act (ESA) or any other local, state or federal laws. See the most current Memorandum of Agreement between Washington Department of Fish and Wildlife (WDFW) and WSDOT for guidance on procedures for emergencies, maintenance, and dispute resolution.

PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin **Immediately** and shall be completed by **February 15, 2009**.
 - a. Inter-tidal and sub-tidal sampling work shall not occur from **February 15** through **August 15** of the authorized period for the protection of migrating juvenile salmonids provided: Sub-tidal Augured Sample Boring using the rotary method completely containing drilling muds and other products is allowed year around.
 - b. Inter-tidal Grab Sampling is allowed year around below + 2 feet in reference to MLLW tidal datum.
 - c. Inter-tidal Grab Sampling and Augured Sample Boring using the rotary method, completely containing drilling muds and other products, may be acceptable above this tidal datum during the authorized period



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provided: A WDFW representative confirms lack of fish spawn and spawning activity during a site inspection. Arrangements for a site inspection shall be made with the Area Habitat Biologist (AHB, enclosed list). Work shall commence within 48 hours of notification by WDFW and shall be completed within seven days of project commencement.

2. **PLANS:** Work shall be accomplished per plans and specifications described in the above referenced JARPA and submitted to the WDFW, except as modified by this HPA. These plans reflect design criteria per Chapter 220-110 WAC. These plans reflect mitigation procedures to significantly reduce or eliminate impacts to fish resources. A copy of these plans shall be available on site during construction.
3. **NOTIFICATION:** The Regional Habitat Program Manager (RHPM), at the local regional office in the attached list of WDFW regional offices, shall be notified (telephone and fax or in-person and letter) at least five (5) days prior to the start of project activities. The notification shall include:
 - a. The permittee's name, contact person and telephone number.
 - b. The control number of this HPA.
 - c. Project location, including water body name, local description, latitude, longitude.
 - d. Starting date for work and estimated ending date for project activity.
4. **ANNUAL REPORTING:** WSDOT shall submit to the Habitat Program, 600 Capital Way N., Olympia, WA 98501, annual reports of Marine Sediment Test Boring Survey Projects performed with this HPA by February 1 of each year. An annual report is also required if no work was conducted. At any time if problems are experienced with implementation of this HPA, either the permittee or WDFW may request a joint review meeting. Annual reports shall include:
 - a. General: Reporting agency, contact person, address, telephone number, date period of report.
 - b. Summary: The HPA control number, total number of individual projects by region and statewide.
 - c. Problems encountered: Provision violation, notification, corrective action, impacts to fish life and water quality resulting from the problem. If the Environmental Compliance Assurance Procedure (ECAP) was used report what activity triggered the procedure.
 - d. Recommendations for improvement to BMPs and mitigation [optional].
 - e. List of individual projects completed: By region including water body name, facility name, road number and milepost, latitude and longitude, date and duration of work. Report all attempted and completed borings and grab sample locations in reference to the MLLW tidal datum.
5. **HAZARDOUS SPILL AND EROSION CONTROL:** As stated in the above referenced JARPA, and agreed to by WSDOT, hazardous spill and erosion control prevention shall comply with the most recent version of the Water Quality Implementing Agreement (WQIA) between WSDOT and the Washington Department of Ecology (Ecology).
6. **FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION:** If at any time, as a result of project activities, fish are observed in distress or a fish kill occurs, or water quality problems develop, immediate notification shall be made to the Regional Office of Ecology in Lacey (360- 407-6300) for the southwest region, or the Regional Office of Ecology in Bellevue (425- 649-7000) for the northwest region.



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SAMPLING ACTIVITIES

7. No other excavation or fill work is authorized by this HPA.
8. A casing or other water isolation device shall be used to contain the boring operation and prevent water entry of all associated sediments and other materials, such as the water slurry used for drill lubrication and bentonite used to seal the boring hole after data has been recorded and sampled. The discharge of turbid or slurry laden process water to state waters is not authorized by this HPA.
9. After geotechnical information has been logged the borehole and substrate surface shall be restored to pre-project configuration.
10. All waste material such as drill spoils and cuttings, construction debris, silt, excess dirt, excess gravel, or overburden resulting from this project shall be deposited above the limits of flood water in an upland disposal site that has appropriate regulatory approval.
11. Intertidal wetland vascular plants and intertidal and sub-tidal eelgrass, macro algae or kelp shall not be adversely impacted due to project activities (e.g., temporary floating work platform shall not ground, anchors shall not be set, equipment shall not operate, and other activities shall not occur in intertidal wetland vascular plants, intertidal and sub-tidal eelgrass, macro algae or kelp).

EQUIPMENT

12. This HPA authorizes only Augured Sample Boring from a temporary floating work platform and "Clam Shell" Grab Sampling as described in the JARPA dated January 28, 2004. Any other work, including Vibracore or Mudmole Sediment Sampling, requires a separate HPA from WDFW.
13. No geared mechanisms (tires, tracks) shall enter the wetted perimeter. Truck mounted and tracked drilling equipment shall work from a location outside of the wetted perimeter unless working off a temporary floating work platform.
14. The drilling water recycle system shall be self-contained, operated, and maintained such that recycle water does not enter waters of the state.
15. Anchors shall be set and retrieved vertically, anchor cable tension shall be maintained such that anchor cables do not drag.
16. All containers storing lubricants, petroleum products or other deleterious substances on the temporary work platform shall be secured during sampling operations to prevent incidental spills.
17. Drilling equipment shall be checked daily for leaks and be well-maintained and kept in good repair and shall prevent the loss of lubricants, grease, and any other deleterious materials from entering the state waters.



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18. No disturbance to the shoreline shall occur when placing, using, or removing a temporary floating work platform.
19. No temporary floating work platform anchoring or grounding shall occur that would disturb eelgrass, kelp, macro algae or intertidal wetland vascular plants.

SEPA: Exempt, no other non-exempt permits

APPLICATION ACCEPTED: February 19, 2004 **ENFORCEMENT OFFICER:** Captains Region 4 & 6 [P3]

Craig Olds (360) 902-2540
Habitat Program

**for Director
WDFW**

Enclosure(s): Area Habitat Biologists
Washington State Ferries Terminal Information
WSDOT Marine Water Bridge Crossings

cc/enc: Sasha Visconty, Washington State Ferries
David Molenaar, Region 6
Chris Byrnes, Region 6
Key McMurry, Region 6
Doug Thompson, Region 4
Randi Thurston, Region 6
Bob Burkle, Region 6
Theresa Powell, Region 6
David Brock, Region 4
Larry Fisher, Region 4
Margie Schirato, Region 6
Brian Williams, Region 4
Pam Erstad Region 4

GENERAL PROVISIONS

This Hydraulic Project Approval (HPA) pertains only to the provisions of the Fisheries Code (RCW 77.55 - formerly RCW 75.20). Additional authorization from other public agencies may be necessary for this project.



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This HPA shall be available on the job site at all times and all its provisions followed by the permittee and operator(s) performing the work.

This HPA does not authorize trespass.

The person(s) to whom this HPA is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this HPA.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All HPAs issued pursuant to RCW 77.55.100 or 77.55.200 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The permittee has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All HPAs issued pursuant to RCW 77.55.110 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the permittee: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.170.

APPEALS - GENERAL INFORMATION

IF YOU WISH TO APPEAL A DENIAL OF OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290:

A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA; or
- (B) An order imposing civil penalties.

It is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30-days of the denial or issuance of a HPA or receipt of an order imposing civil penalties. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100 OR 77.55.140:



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A person who is aggrieved or adversely affected by the following Department actions may request an formal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA;
- (B) An order imposing civil penalties; or
- (C) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290:

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 393, LAWS OF 2003:

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 393. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board.

E. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.

Table 1. Washington State Ferries Terminal Information

| Terminal/County | Section, Township, Range | Latitude and Longitude (if known) | Waterbody | Shoreline Designation/ Zoning Designation | WRIA |
|-----------------------------------|--------------------------|-----------------------------------|-------------------|---|---------|
| Anacortes/Skagit County | 22, 35 N, 01E | 48° 30' 26" N; 122° 40' 30" W | Guemes Channel | Urban II/ Commercial Marine | 03 MARI |
| Bainbridge/Kitsap County | 26, 25 N, 02E | 47° 37' 21" N; 122° 30" W | Eagle Harbor | Ferry Terminal District/ Ferry Terminal District | 15 MARI |
| Bremerton/Kitsap County | 24, 24N, 01E | 47° 33' 44" N; 122° 37' 23" W | Sinclair Inlet | Downtown Waterfront Upland/ Urban Renewal District | 15 MARI |
| Clinton/Island County | 30, 29N, 04E | 47° 58' 30" N; 122° 21' 11" W | Possession Sound | Urban/ State Highway Right of Way | 06 MARI |
| Eagle Harbor/Kitsap County | 26, 25N, 02E | 47° 37' 16" N; 122° 30' 47" W | Eagle Harbor | Urban Environment/ Ferry Terminal District | 15 MARI |
| Edmonds/Snohomish County | 23, 27N, 03E | 47° 48' 47"N; 122° 23' 04" W | Possession Sound | Urban Marine/ Ferry Right of Way | 08 MARI |
| Fauntleroy/King County | 35, 24 N, 03E | 47°31'24"N; 122°23'37" W | Fauntleroy Cove | Urban Residential/SF | 09 MARI |
| Friday Harbor/San Juan County | 13, 35N, 03W | 48° 32' 10" N; 123° 00' 50" W | San Juan Channel | Urban/Commercial | 02 MARI |
| Keystone/Island County | 22, 31N, 01E | 48° 09' 33" N; 122° 40' 14" W | Admiralty Inlet | Urban/Park | 06 MARI |
| Kingston/Kitsap County | 25, 27N, 02E | 47° 47' 36" N; 122° 24' 44 W | Appletree Cove | Urban/ Public Facility | 15 MARI |
| Lopez/San Juan County | 36, 36N, 02W | 48° 34' 13" N; 122° 51' 35" W | Harney Channel | Conservancy/ Rural General | 02 MARI |
| Mukilteo/Snohomish County | 04, 28N, 04E | 47° 57; 00" N; 122° 18' 12" W | Possession Sound | Downtown Business/ Downtown Business | 08 MARI |
| Orcas/ San Juan County | 22, 36N, 02W | 48° 35' 51" N; 122° 56' 33" W | Harney Channel | Urban/Village | 02 MARI |
| Point Defiance/Pierce County | 14, 21N, 02E | 47° 18' 22" N; 122° 30' 46" W | Dalco Passage | Conservancy/S-5 | 12 MARI |
| Port Townsend/Jefferson County | 11, 30N, 01W | 48° 06' 50" N; 122° 45' 62" W | Port Townsend Bay | Urban/Aquatic Designation/no zoning designation | 17 MARI |
| Seattle/King County | 06, 24N, 04E | 47° 36' 9" N; 122° 20' 17" W | Elliot Bay | Urban Harborfront (UH)/DHI/45 | 08 MARI |
| Shaw/San Juan County | 27, 36N, 02W | 48° 35' 87" N; 122° 55' 40" W | Harney Channel | Rural/Rural Farm Forest | 02 MARI |
| Southworth/Kitsap County | 01, 23 N, 02E | 47°30'46" N; 122°29'42" W | Colvos Passage | Rural/Residential Rural | 15 MARI |
| Tahlequah/King County | 02, 21N, 02E | 47° 20' 2" N; 122° 30' 29" W | Dalco Passage | Rural/RA 2.5 | 15 MARI |
| Vashon/King County | 06, 23 N, 03E | 47° 30' 32" N; 122° 27' 46" W | Admiralty Inlet | Conservancy/RA-5 | 15 MARI |

Table 2. WSDOT Salt and Brackish Water Bridge Crossings

| Bridge Name | County/WRIA | WRIAs in County |
|--------------------------|------------------|--------------------|
| Creek | Clallum | 17, 18, 19, 20 |
| W TWIN R | | |
| BULLMAN CR. | | |
| SEKIU RIVER BR. | | |
| WISHKAH R. HERON | Grays Harbor | 22, 23 |
| WRECK CR. | | |
| HOQUIAM R-SIMPSON | | |
| WISHKAH R. | | |
| CHAPIN CR | | |
| STAFFORD CR | | |
| INDIAN CR | | |
| CAMPBELL CR | | |
| MILL CR | | |
| JESSIE SL | | |
| COPALIS R | | |
| JOHNS R | | |
| JOE CR | | |
| CHEHALIS R. | | |
| NEWSKAH CR | | |
| SOUTH BAY - ELK RIVER | | |
| GILLIS SL | | |
| HUMPTULIPS R | | |
| CONNER CR | | |
| MOCLIPS R | | |
| GRASS CR | | |
| CHENOIS CR | | |
| LITTLE HOQUIAM R | | |
| HOQUIAM R-RIVERSIDE | | |
| FULTON CR | Jefferson County | 16, 17, 18, 19, 20 |
| KALALOH CR | | |
| DUCKABUSH SL | | |
| SNOW CR | | |
| HOOD CANAL-W.A. BUGGE BR | | |
| PORTAGE CANAL | | |
| LAKE WASH SHIP CANAL | | |
| DUWAMISH RIVER | King | 8, 9, 10 |
| WETLAND MIT. CHANNEL | | |
| MANETTE BRIDGE | Kitsap County | 15 |
| AGATE PASS | | |
| BLACKJACK CR | | |
| PORT WASHINGTON | | |
| HOOD CANAL-W.A. BUGGE BR | | |
| DOGFISH BAY BR | | |
| GORST CREEK BRIDGE | | |
| GORST CREEK | | |
| N HAMMA HAMMA R | Mason County | 14, 16, 22 |
| S HAMMA HAMMA R | | |
| LILLIWAUP R | | |
| CUSHMAN PROJECT | | |
| EAGLE CR | | |
| SHERWOOD CR | | |
| COULTER CR | | |

| | | |
|--------------------------|---------------|------------|
| KENNEDY CR | | |
| KENNEDY CR | | |
| WAKETICKEH CRK | | |
| JORSTED CREEK BRIDGE | | |
| CHINOOK R | Pacific | 22, 23, 25 |
| GREENHEAD SL | | |
| TEAL SL | | |
| BONE R | | |
| JORGENSEN SL | | |
| TIDE SL | | |
| BEAR R | | |
| SMITH CR | | |
| NORTH R | | |
| COLUMBIA R MEGLER | | |
| COLUMBIA R - MEGLER (A) | | |
| COLUMBIA R - MEGLER (B) | | |
| COLUMBIA R - MEGLER (C) | | |
| S FK WILLAPA RIVER | | |
| STUART SL | | |
| CARRUTHERS SL | | |
| POTTERS SL | | |
| WALLICUT R | | |
| WALLICUT R | | |
| WALLICUT R | | |
| SKIDMORE SLOUGH | | |
| NASELLE RIVER | | |
| PALIX R. | | |
| NIAWIAKUM RIVER | | |
| NORTH FORK WILLAPA RIVER | | |
| NORTH NEMAH RIVER | | |
| CREEK | | |
| CREEK | | |
| DRAINAGE RELIEF CULV | | |
| PURDY BR | Pierce County | 11, 12, 13 |
| TACOMA NARROWS | | |
| MURRAY MORGAN BR | | |
| PUYALLUP R RR SR 167 OC | | |
| BN RR OC (GN) BLANCHARD | Skagit County | 3, 4 |
| CANOE PASS | | |
| HIGGENS SLOUGH | | |
| GAGES SLOUGH | | |
| GAGES SLOUGH | | |
| BATEY SL | | |
| SWINOMISH-D BERENTSON BR | | |
| SWINOMISH-D BERENTSON BR | | |
| SNOHOMISH R CS3114 | Snohomish | 7 |
| UNION SL | | |
| STEAMBOAT SL CS3115 | | |
| EBEY SLOUGH CS3116 | | |
| DAVIS SL | | |
| GEN MARK W. CLARK MEM BR | | |
| EBEY SL BN RY SR 529 | | |
| SNOHOMISH R | | |
| STEAMBOAT SL | | |
| UNION SL | | |

| | | |
|------------------------|-----------|--------------------|
| EBEY SLOUGH BRIDGE | | |
| EBEY-W RAMP AL RAMP | | |
| W-EBEY RAMP DL RAMP | | |
| UNION SLOUGH | | |
| UNION SLOUGH | | |
| STEAMBOAT SLOUGH | | |
| STEAMBOAT SLOUGH | | |
| SNOHOMISH R BN RR | | |
| SNOHOMISH R BN RR | | |
| SNOHOMISH RIVER BRIDGE | | |
| EBEY ISLAND VIADUCT | | |
| HOME ACRES RD | | |
| EBEY SL BN RY SR 529 | | |
| EBEY SLOUGH BRIDGE | | |
| HA LINE OVER DEADWATER | | |
| DEADWATER SL BR | | |
| EBEY SLOUGH | | |
| QUILCEDA CREEK | | |
| SNOHOMISH RIVER | | |
| EBEY ISLAND VIADUCT | | |
| E-S RAMP | | |
| CAPITOL LAKE | Thurston | 11, 13, 14, 22, 23 |
| MUD BAY | | |
| MUD BAY | | |
| PERRY CR | | |
| PERRY CR | | |
| MCALLISTER CR | | |
| MCALLISTER CR | | |
| MCALLISTER CR | | |
| MCALLISTER CR | | |
| JULIA BUTLER HANSEN BR | Wahkiakum | 25 |
| SKAMOKAWA CR | | |
| BIRNIE SL | | |
| DAKOTA CR | Whatcom | 1 |
| DAKOTA CR | | |
| DAKOTA CR | | |
| CALIFORNIA CR | | |